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20BU-CV00342 - JIMMY BRIDEN ET AL V TRIUMPH FOODS, LLC (E-CASE)

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02/07/2020 **Notice of Service**

SCANNED UNDER RETURN ON 02-05-20

Filed By: JOSHUA PAUL WUNDERLICH

On Behalf Of: JIMMY BRIDEN, RICHELLA BRIDEN

02/05/2020 **Corporation Served**

Document ID - 20-SMCC-60; Served To - TRIUMPH FOODS, LLC; Server - ; Served Date - 05-FEB-20; Served Time - 10:06:00; Service Type - Sheriff Department; Reason Description - Served; Service Text - SERVED TO KEVIN WEDEFING, REG AGT

01/29/2020 **Summons Issued-Circuit**

Document ID: 20-SMCC-60, for TRIUMPH FOODS, LLC. - SUMMONS ISSUED

 Order - Special Process Server

ORDER APPOINTING PROCESS SERVER SIGNED BY DEPUTY CLERK

 Trial Setting Scheduled

Scheduled For: 04/27/2020; 9:00 AM ; KATE H SCHAEFER; Buchanan

01/28/2020 **Judge/Clerk - Note**

DIVISION CARD CASE SET UP

 Judge Assigned **Filing Info Sheet eFiling**

Filed By: JOSHUA PAUL WUNDERLICH

 Motion Special Process Server

Motion for Approval and Appointment of Private Process Server. - D&B LEGAL SERVICES, INC.

Filed By: JOSHUA PAUL WUNDERLICH

On Behalf Of: JIMMY BRIDEN, RICHELLA BRIDEN

 Pet Filed in Circuit Ct

PETITION FOR DAMAGES; Exhibit 1; Exhibit 2; Exhibit 3; Exhibit 4.

Filed By: JOSHUA PAUL WUNDERLICH

IN THE CIRCUIT COURT OF BUCHANAN COUNTY, MISSOURI

JIMMY BRIDEN,
c/o Cornerstone Law Firm
8350 N. St. Clair Ave., Ste. 225
Kansas City, MO 64151

and

RICHELLA BRIDEN,
c/o Cornerstone Law Firm
8350 N. St. Clair Ave., Ste. 225
Kansas City, MO 64151

Plaintiff,

v.

TRIUMPH FOODS, LLC,
Registered Agent:
Wedeking, Kevin L.
5302 Stockyards Expressway
St. Joseph, MO 64504

Defendant.

Case No.: _____

Division: _____

REQUEST FOR JURY TRIAL**PETITION FOR DAMAGES**

COME NOW Plaintiffs Jimmy and Richella Briden, by and through their attorney, and for their causes of action against Defendant Triumph Foods, LLC, allege as follows:

Parties and Jurisdiction

1. This is an employment case arising under the Missouri Human Rights Act, MO. REV. STAT. §§ 213.010 *et seq.* (“MHRA”) and the Family Medical Leave Act, 29 U.S.C. §§ 2601 *et seq.* (“FMLA”).
2. Plaintiffs Jimmy Briden and Richella Briden (hereinafter collectively “Plaintiffs”) are both citizens of the United States currently domiciled in Harrisonville, Missouri.

3. Defendant Triumph Foods, LLC (hereinafter “Triumph”) is and was at all relevant times a Missouri limited liability company with its principal place of business at 5302 Stockyards Expy., St. Joseph, Buchanan County, MO 64504.
4. Upon information and belief, Plaintiffs allege that one or more of Triumph’s LLC members is a citizen of Missouri.
5. At all relevant times, Triumph was authorized to do business in the state of Missouri.
6. At all relevant times, Triumph employed six (6) or more people in the state of Missouri.
7. At all relevant times, Triumph employed fifty (50) or more employees in a seventy-five (75) mile radius of Plaintiffs’ place of work.
8. Triumph is an employer within the meaning of the MHRA.
9. Triumph is an employer within the meaning of the FMLA.
10. Triumph conducts substantial and continuous business in the State of Missouri.
11. This court has jurisdiction over the parties and subject matter of this action.
12. Venue is proper in Buchanan County, Missouri, pursuant to Mo. REV. STAT. § 213.111 because a substantial portion of the alleged discriminatory conduct occurred in Buchanan County, Missouri.

Administrative Procedures

13. On or about May 17, 2019, Plaintiff Richella Briden timely filed with the Missouri Commission on Human Rights (“MCHR”) and the Equal Employment Opportunity Commission (“EEOC”) a Charge of Discrimination against Triumph alleging discrimination based on disability and retaliation (attached as Exhibit 1 and incorporated herein by reference).

14. On or about May 17, 2019, Plaintiff Jimmy Briden timely filed with the Missouri Commission on Human Rights (“MCHR”) and the Equal Employment Opportunity Commission (“EEOC”) a Charge of Discrimination against Triumph alleging discrimination based on disability (attached as Exhibit 2 and incorporated herein by reference).
15. On November 14, 2019, the MCHR issued to Plaintiffs Notices of Right to Sue (attached as Exhibits 3 and 4 and incorporated herein by reference).
16. The aforesaid Charges of Discrimination provided the MCHR and the EEOC sufficient opportunity to investigate the full scope of the controversy between the parties and, accordingly, the sweep of this judicial complaint may be and is as broad as the scope of a MCHR or EEOC investigation, which could reasonably be expected to have grown out of the Charge of Discrimination.
17. This lawsuit is filed within ninety (90) days of the issuance of the MCHR’s Notices of Right to Sue.
18. Plaintiffs have satisfied all private, administrative, and judicial prerequisites to the institution of this action.
19. This action is filed within the applicable statutes of limitations.

Additional Factual Allegations

20. Plaintiffs re-allege and incorporate herein by reference, as though fully set forth herein, all of the above numbered paragraphs.
21. Plaintiff Jimmy Briden began working for Triumph around June 2014.
22. Plaintiff Jimmy Briden was employed at Triumph first as a mechanic, then as a lead mechanic, and then ultimately as a maintenance supervisor.

23. Plaintiff Richella Briden began working for Triumph as a Food Safety and Quality Assurance (“FSQA”) technician in approximately October 2017.
24. Plaintiffs were generally known by Triumph’s management to be a married couple.
25. On or around August 28, 2018, Plaintiff Richella Briden experienced stroke-like symptoms while at work.
26. Plaintiff Richella Briden’s symptoms at work on or around August 28, 2018, included loss of consciousness.
27. A member of Triumph’s plant health services department first measured Plaintiff Richella Briden’s vitals at approximately 6:23 a.m. after she exhibited her stroke-like symptoms at work.
28. Plaintiff Jimmy Briden was first notified of Plaintiff Richella Briden’s stroke-like symptoms at approximately 7:00 a.m. when he was pulled out of a safety meeting.
29. At the time Plaintiff Jimmy Briden was first notified of Plaintiff Richella Briden’s stroke-like symptoms, nobody from Triumph had placed a call for emergency medical services.
30. Rather than wait for an ambulance to arrive, Plaintiff Jimmy Briden opted to drive Plaintiff Richella Briden to the hospital himself, contacting emergency medical services en route.
31. While en route to the hospital, Plaintiff Jimmy Briden had to pull over to the side of the road to perform CPR on Plaintiff Richella Briden while waiting for emergency medical services to meet them, as Plaintiff Richella Briden had stopped breathing.
32. It was determined that Plaintiff Richella Briden’s stroke-like symptoms were caused by a conversion disorder, a functional neurological disorder characterized by severe anxiety and extreme physical manifestations thereof.

33. Prior to Plaintiff Richella Briden's stroke-like symptoms resulting from her conversion disorder on or around August 28, 2018, regularly worked ten (10) hours per day, six days per week.
34. After Plaintiff Richella Briden's stroke-like symptoms resulting from her conversion disorder on or around August 28, 2018, her doctor held her off work for ten (10) days, then returned her to work on a restricted schedule of five (5) days per week, five (5) hours per day.
35. Plaintiff indicated to Triumph that she desired to work as many hours as her doctor would allow.
36. Despite the assessment by Plaintiff Richella Briden's doctor that she was able to work five (5) days per week, five (5) hours per day, and despite Plaintiff's wishes, Triumph's safety counsel unilaterally determined that it would be unsafe for her to work more than two (2) hours per day.
37. In September 2018, Plaintiff Richella Briden again suffered from an episode in which the symptoms of her conversion disorder necessitated medical treatment.
38. After the episode in September 2018, Plaintiff Richella Briden's doctor conformed her restrictions to the work schedule that Triumph was providing her.
39. Additionally, Plaintiff Richella Briden's doctor authorized her to return to full duty on December 18, 2018.
40. Plaintiff Richella Briden's doctor also indicated that Plaintiff would need occasional days off work to deal with symptoms of her conversion disorder, even after she returned to full duty.

41. Plaintiff worked the two (2) hour per day schedule imposed by Triumph, using occasional days off as instructed by her doctor, until December 18, 2018, when she returned to full duty.
42. On October 23, 2018, Plaintiff Richella Briden sent a text message to her supervisor (“N.D.”) using one of the occasional days off as instructed by her doctor to deal with symptoms of her conversion disorder.
43. Immediately after receiving Plaintiff Richella Briden’s text message using one of the occasional days off as instructed by her doctor to deal with symptoms of her conversion disorder, N.D. sent a text message back, seemingly intended for another recipient, stating, “From Richella Mark I am done with her there’s gotta be A [sic] loop hole.”
44. Plaintiff Richella Briden provided the aforementioned text message from N.D. to a representative in Triumph’s human resources department (“B.W.”).
45. N.D. was not disciplined for sending the aforementioned text message.
46. After Plaintiff Richella Briden provided the aforementioned text message from N.D. to Triumph’s human resources department, she also requested to be transferred to another shift away from N.D.
47. There were positions on other shifts that were available for Plaintiff Richella Briden to move into.
48. Triumph denied Plaintiff Richella Briden’s request to transfer to another shift away from N.D.
49. Triumph’s denial of Plaintiff Richella Briden’s request to transfer to another shift away from N.D. exacerbated Plaintiff’s conversion disorder symptoms.

50. Plaintiff Richella Briden continued to work her original schedule from December 18, 2018, using occasional days off as instructed by her doctor, until approximately January 9, 2019.
51. On or around January 9, 2019, Plaintiff Richella Briden suffered symptoms of her conversion disorder that required medical attention.
52. At that time, Plaintiff Richella Briden's doctor held her off work for a period of time again.
53. Between January 9, 2019, and February 12, 2019, Plaintiff Richella Briden sent emails to Triumph attempting to use FMLA intermittent leave.
54. Between January 9, 2019, and February 12, 2019, Plaintiff Jimmy Briden also took substantial time off work to take care of Plaintiff Richella Briden, often under the instruction of her doctor.
55. Ultimately, Plaintiff Richella Briden's doctor held her off work for a period of time with an anticipated return to work date of February 12, 2019, again with the need to take occasional days off to deal with symptoms of her conversion disorder.
56. On February 12, 2019, Plaintiff Richella Briden attempted to use one of the occasional days off as instructed by her doctor to deal with symptoms of her conversion disorder by sending an email to B.W.
57. B.W. responded to Plaintiff Richella Briden's email stating that Plaintiff was not eligible for protection under the FMLA because she had exhausted all of her leave, and that if she did not attend work on that day, it would be counted as an unexcused absence.
58. Based on prior communications with representatives for Triumph, Plaintiff Richella Briden reasonably understood that if she was charged with an unexcused absence, her employment would be terminated.

59. Because Plaintiff Richella Briden could not attend work on February 12, 2019, as a result of the symptoms of her conversion disorder, she reasonably believed that her employment was terminated on February 12, 2019.
60. Over the course of the next several days, Plaintiff Richella Briden and B.W. exchanged emails regarding a meeting to discuss her work status.
61. In this email exchange, Plaintiff Richella Briden indicated to B.W. that she did not feel comfortable attending a meeting without first speaking to legal counsel.
62. In this email exchange, Plaintiff Richella Briden also indicated to B.W. that she and Plaintiff Jimmy Briden were packing.
63. Plaintiff Richella Briden indicated that they were packing because immediately upon learning that she would be charged with an unexcused absence that she reasonably believed had resulted in the termination of her employment, she and Plaintiff Jimmy Briden had immediately began preparations to move away from St. Joseph, Missouri.
64. Before the end of February 2018, Plaintiffs Jimmy and Richella Briden moved to Harrisonville, Missouri.

COUNT I
Violation under Mo. Rev. Stat. §§ 213.010 *et seq.*
Disability Discrimination
(Brought on Behalf of Plaintiff Richella Briden)

65. Plaintiffs re-allege and incorporate herein by reference, as though fully set forth herein, all of the above numbered paragraphs.
66. At all times relevant, Plaintiff Richella Briden was a member of a protected class pursuant to the MHRA because she had an impairment that substantially limited one or more of her major life activities, had a record of such impairment, and/or was regarded by Triumph as having an impairment, to wit conversion disorder.

67. At all times relevant, Plaintiff Richella Briden's conversion disorder substantially limited one or more of her daily life activities, including her ability to care for herself, perform manual tasks, concentrate, think, communicate, and work.
68. At all times relevant, Plaintiff Richella Briden could perform the essential functions of her job with or without reasonable accommodation.
69. In limiting Plaintiff Richella Briden's work hours beyond what was recommended by her doctor, Triumph subjected Plaintiff Richella Briden to an adverse employment action.
70. In denying Plaintiff Richella Briden's request to change shifts, Triumph subjected Plaintiff Richella Briden to an adverse employment action.
71. In terminating Plaintiff Richella Briden's employment, Triumph subjected Plaintiff Richella Briden to an adverse employment action.
72. Plaintiff Richella Briden's disability was a motivating factor in Triumph's decision to limit her work hours beyond what was recommended by her doctor.
73. Plaintiff Richella Briden's disability was a motivating factor in Triumph's decision to deny her request to change shifts.
74. Plaintiff Richella Briden's disability was a motivating factor in Triumph's decision to terminate her employment.
75. At all times mentioned herein, before and after, the above-described perpetrators were agents, servants, and employees of Triumph, and were at all such times acting within the scope and course of their agency and employment, and/or their actions were expressly authorized or ratified by Triumph, thus making Triumph liable for said actions under the doctrine *respondeat superior*.

76. Triumph failed to make good faith efforts to establish and enforce policies to address and prevent illegal discrimination against its employees.
77. Triumph failed to properly train or otherwise inform its supervisors and employees concerning their duties and obligations under the civil rights laws, including the MHRA.
78. As shown by the foregoing, as a result of her disability, Plaintiff Richella Briden suffered intentional unlawful discrimination at the hands of Triumph.
79. As a direct and proximate result of Triumph's actions and/or omissions, Plaintiff Richella Briden has been deprived of income as well as other monetary and non-monetary benefits.
80. As a further direct and proximate result of Triumph's actions and/or omissions, Plaintiff Richella Briden suffered humiliation, mental anguish, pain, and a loss of self-esteem in the form of garden variety emotional distress damages and related compensatory damages.
81. By failing to take prompt and effective remedial action, Triumph in effect condoned, ratified, and/or authorized discrimination against Plaintiff Richella Briden.
82. Triumph's conduct was willful, wanton, malicious, and showed complete indifference to or conscious disregard for the rights of others, including the rights of Plaintiff Richella Briden, thus justifying an award of punitive damages in an amount sufficient to punish Triumph or to deter Triumph and other employers from like conduct in the future.
83. Pursuant to the provisions of the MHRA, Plaintiff Richella Briden is entitled to recover reasonable attorneys' fees from Triumph.

WHEREFORE, Plaintiff Richella Briden requests that the Court enter judgment in her favor and against Triumph for economic damages, including but not limited to back-pay and lost benefits; for compensatory damages, including but not limited to garden variety emotional distress; for equitable relief, including but not limited to front-pay and injunctive relief; for punitive

damages; for reasonable attorneys' fees and costs incurred herein; for pre- and post-judgment interest as allowed by law; and for such other and further legal and equitable relief as the Court deems just and proper.

COUNT II

Violation under Mo. Rev. Stat. §§ 213.010 *et seq.*
Disability Discrimination (Failure to Accommodate)
(Brought on Behalf of Plaintiff Richella Briden)

84. Plaintiffs re-allege and incorporate herein by reference, as though fully set forth herein, all of the above numbered paragraphs.
85. At all times relevant, Plaintiff Richella Briden was a member of a protected class pursuant to the MHRA because she had an impairment that substantially limited one or more of her major life activities, had a record of such impairment, and/or was regarded by Triumph as having an impairment, to wit conversion disorder.
86. At all times relevant, Plaintiff Richella Briden's conversion disorder substantially limited one or more of her daily life activities, including her ability to care for herself, perform manual tasks, concentrate, think, communicate, and work.
87. At all times relevant, Plaintiff Richella Briden could perform the essential functions of her job with or without reasonable accommodation.
88. By asking for limited time off to deal with symptoms of her conversion disorder, Plaintiff Richella Briden made a request for a reasonable accommodation for her disability.
89. By asking for moderately reduced work schedule as recommended by her doctor, Plaintiff Richella Briden made a request for a reasonable accommodation for her disability.
90. By asking for a change of shift, Plaintiff Richella Briden made a request for a reasonable accommodation for her disability.

91. Allowing Plaintiff Richella Briden to take limited time off to deal with symptoms of her conversion disorder would not have been an undue burden on Triumph.
92. Providing Plaintiff Richella Briden with a moderately reduced work schedule as recommended by her doctor would not have been an undue burden on Triumph.
93. Allowing Plaintiff Richella Briden to change shifts would not have been an undue burden on Triumph.
94. Triumph failed to provide reasonable accommodation to Plaintiff Richella Briden for her disabilities.
95. At all times mentioned herein, before and after, the above-described perpetrators were agents, servants, and employees of Triumph, and were at all such times acting within the scope and course of their agency and employment, and/or their actions were expressly authorized or ratified by Triumph, thus making Triumph liable for said actions under the doctrine *respondeat superior*.
96. Triumph failed to make good faith efforts to establish and enforce policies to address and prevent illegal discrimination against its employees.
97. Triumph failed to properly train or otherwise inform its supervisors and employees concerning their duties and obligations under the civil rights laws, including the MHRA.
98. As shown by the foregoing, as a result of her disability, Plaintiff Richella Briden suffered intentional unlawful discrimination at the hands of Triumph.
99. As a direct and proximate result of Triumph's actions and/or omissions, Plaintiff Richella Briden has been deprived of income as well as other monetary and non-monetary benefits.
100. As a further direct and proximate result of Triumph's actions and/or omissions, Plaintiff Richella Briden suffered humiliation, mental anguish, pain, and a loss of self-

esteem in the form of garden variety emotional distress damages and related compensatory damages.

101. By failing to take prompt and effective remedial action, Triumph in effect condoned, ratified, and/or authorized discrimination against Plaintiff Richella Briden.

102. Triumph's conduct was willful, wanton, malicious, and showed complete indifference to or conscious disregard for the rights of others, including the rights of Plaintiff Richella Briden, thus justifying an award of punitive damages in an amount sufficient to punish Triumph or to deter Triumph and other employers from like conduct in the future.

103. Pursuant to the provisions of the MHRA, Plaintiff Richella Briden is entitled to recover reasonable attorneys' fees from Triumph

WHEREFORE, Plaintiff Richella Briden requests that the Court enter judgment in her favor and against Triumph for economic damages, including but not limited to back-pay and lost benefits; for compensatory damages, including but not limited to garden variety emotional distress; for equitable relief, including but not limited to front-pay and injunctive relief; for punitive damages; for reasonable attorneys' fees and costs incurred herein; for pre- and post-judgment interest as allowed by law; and for such other and further legal and equitable relief as the Court deems just and proper.

COUNT III
Violation under Mo. Rev. Stat. § 287.780
Disability Discrimination (Retaliation)
(Brought on Behalf of Plaintiff Richella Briden)

104. Plaintiffs re-allege and incorporate herein by reference, as though fully set forth herein, all of the above numbered paragraphs.

105. At all times relevant, Plaintiff Richella Briden was a member of a protected class pursuant to the MHRA because she had an impairment that substantially limited one or more of her major life activities, had a record of such impairment, and/or was regarded by Triumph as having an impairment, to wit conversion disorder.

106. At all times relevant, Plaintiff Richella Briden's conversion disorder substantially limited one or more of her daily life activities, including her ability to care for herself, perform manual tasks, concentrate, think, communicate, and work.

107. At all times relevant, Plaintiff Richella Briden could perform the essential functions of her job with or without reasonable accommodation.

108. By asking for limited time off to deal with symptoms of her conversion disorder, Plaintiff Richella Briden made a request for a reasonable accommodation for her disability.

109. By asking for moderately reduced work schedule as recommended by her doctor, Plaintiff Richella Briden made a request for a reasonable accommodation for her disability.

110. By asking for a change of shift, Plaintiff Richella Briden made a request for a reasonable accommodation for her disability.

111. In requesting reasonable accommodation(s) for her disability, Plaintiff Richella Briden engaged in one or more protected activities under the MHRA.

112. In terminating Plaintiff Richella Briden's employment, Triumph retaliated against Plaintiff.

113. Plaintiff Richella Briden's requests for reasonable accommodation(s) were a motivating factor in Triumph's decision to terminate her employment.

114. At all times mentioned herein, before and after, the above-described perpetrators were agents, servants, and employees of Triumph, and were at all such times acting within

the scope and course of their agency and employment, and/or their actions were expressly authorized or ratified by Triumph, thus making Triumph liable for said actions under the doctrine *respondeat superior*.

115. Triumph failed to make good faith efforts to establish and enforce policies to address and prevent illegal discrimination against its employees.
116. Triumph failed to properly train or otherwise inform its supervisors and employees concerning their duties and obligations under the civil rights laws, including the MHRA.
117. As shown by the foregoing, as a result of her protected activities, Plaintiff Richella Briden suffered intentional unlawful discrimination at the hands of Triumph.
118. As a direct and proximate result of Triumph's actions and/or omissions, Plaintiff Richella Briden has been deprived of income as well as other monetary and non-monetary benefits.
119. As a further direct and proximate result of Triumph's actions and/or omissions, Plaintiff Richella Briden suffered humiliation, mental anguish, pain, and a loss of self-esteem in the form of garden variety emotional distress damages and related compensatory damages.
120. By failing to take prompt and effective remedial action, Triumph in effect condoned, ratified, and/or authorized discrimination against Plaintiff Richella Briden.
121. Triumph's conduct was willful, wanton, malicious, and showed complete indifference to or conscious disregard for the rights of others, including the rights of Plaintiff Richella Briden, thus justifying an award of punitive damages in an amount sufficient to punish Triumph or to deter Triumph and other employers from like conduct in the future.

122. Pursuant to the provisions of the MHRA, Plaintiff Richella Briden is entitled to recover reasonable attorneys' fees from Triumph.

WHEREFORE, Plaintiff Richella Briden requests that the Court enter judgment in her favor and against Triumph for economic damages, including but not limited to back-pay and lost benefits; for compensatory damages, including but not limited to garden variety emotional distress; for equitable relief, including but not limited to front-pay and injunctive relief; for punitive damages; for reasonable attorneys' fees and costs incurred herein; for pre- and post-judgment interest as allowed by law; and for such other and further legal and equitable relief as the Court deems just and proper.

COUNT IV
Violation under 29 U.S.C. § 2615(a)(1)
FMLA Interference
(Brought on Behalf of Plaintiff Richella Briden)

123. Plaintiffs re-allege and incorporate herein by reference, as though fully set forth herein, all of the above numbered paragraphs.

124. Beginning in October 2018, Plaintiff Richella Briden was an eligible employee pursuant to the FMLA.

125. At all relevant times, Plaintiff Richella Briden suffered from one or more serious medical condition(s) pursuant to the FMLA.

126. By inaccurately calculating Plaintiff Richella Briden's FMLA leave, Triumph interfered with her right to take FMLA leave.

127. By telling Plaintiff Richella Briden that she had exhausted her FMLA leave in February 2019, Triumph interfered with her right to take FMLA leave.

128. By terminating Plaintiff Richella Briden's employment, Triumph interfered with Plaintiff's right to take FMLA leave.

129. A causal connection exists between the aforementioned adverse actions and Plaintiff Richella Briden's exercise of her FMLA rights.

130. At all times mentioned herein, before and after, the above-described perpetrators were agents, servants, and employees of Triumph, and were at all such times acting within the scope and course of their agency and employment, and/or their actions were expressly authorized or ratified by Triumph, thus making Triumph liable for said actions under the doctrine *respondeat superior*.

131. Triumph failed to make good faith efforts to establish and enforce policies to address and prevent illegal discrimination against its employees.

132. Triumph failed to properly train or otherwise inform its supervisors and employees concerning their duties and obligations under the FMLA.

133. As shown by the foregoing, Triumph engaged in a willful violation of the FMLA, and its actions were not in good faith.

134. As a direct and proximate result of Triumph's actions and/or omissions, Plaintiff Richella Briden has been deprived of income as well as other monetary and non-monetary benefits.

135. Pursuant to 29 U.S.C. § 2617(a)(1)(A)(iii), Plaintiff Richella Briden is entitled to recover liquidated damages from Triumph.

136. Pursuant to 29 U.S.C. § 2617(a)(3), Plaintiff Richella Briden is entitled to recover reasonable attorneys' fees from Triumph.

WHEREFORE, Plaintiff Richella Briden requests that the Court enter judgment in her favor and against Triumph for economic damages, including but not limited to back-pay and lost benefits; for equitable relief, including but not limited to front-pay and injunctive relief; for

liquidated damages; for reasonable attorneys' fees and costs incurred herein; for pre- and post-judgment interest as allowed by law; and for such other and further legal and equitable relief as the Court deems just and proper.

COUNT V
Violation under 29 U.S.C. § 2615(a)(2)
FMLA Retaliation
(Brought on Behalf of Plaintiff Richella Briden)

137. Plaintiffs re-allege and incorporate herein by reference, as though fully set forth herein, all of the above numbered paragraphs.
138. Beginning in October 2018, Plaintiff Richella Briden was an eligible employee pursuant to the FMLA.
139. At all relevant times, Plaintiff Richella Briden suffered from one or more serious medical condition(s) pursuant to the FMLA.
140. Plaintiff Richella Briden engaged in a protected activity pursuant to the FMLA by reporting her serious medical condition(s) to Triumph.
141. Plaintiff Richella Briden engaged in a protected activity pursuant to the FMLA by requesting time off for her serious medical condition(s).
142. Plaintiff Richella Briden's exercise of her FMLA rights was a motivating or determining factor in Triumph's decision to terminate her employment.
143. At all times mentioned herein, before and after, the above-described perpetrators were agents, servants, and employees of Triumph, and were at all such times acting within the scope and course of their agency and employment, and/or their actions were expressly authorized or ratified by Triumph, thus making Triumph liable for said actions under the doctrine *respondeat superior*.

144. Triumph failed to make good faith efforts to establish and enforce policies to address and prevent illegal discrimination against its employees.

145. Triumph failed to properly train or otherwise inform its supervisors and employees concerning their duties and obligations under the civil rights laws, including the FMLA.

146. As shown by the foregoing, Triumph engaged in a willful violation of the FMLA, and its actions were not in good faith.

147. As a direct and proximate result of Triumph's actions and/or omissions, Plaintiff Richella Briden has been deprived of income as well as other monetary and non-monetary benefits.

148. Pursuant to 29 U.S.C. § 2617(a)(1)(A)(iii), Plaintiff Richella Briden is entitled to recover liquidated damages from Triumph.

149. Pursuant to 29 U.S.C. § 2617(a)(3), Plaintiff Richella Briden is entitled to recover reasonable attorneys' fees from Triumph.

WHEREFORE, Plaintiff Richella Briden requests that the Court enter judgment in her favor and against Triumph for economic damages, including but not limited to back-pay and lost benefits; for equitable relief, including but not limited to front-pay and injunctive relief; for liquidated damages; for reasonable attorneys' fees and costs incurred herein; for pre- and post-judgment interest as allowed by law; and for such other and further legal and equitable relief as the Court deems just and proper.

COUNT VI
Violation of MO. REV. STAT. §§ 213.010 *et seq.*
Associational Disability Discrimination (Constructive Discharge)
(Brought on Behalf of Plaintiff Jimmy Briden)

150. Plaintiffs re-allege and incorporate herein by reference, as though fully set forth herein, all of the above numbered paragraphs.

151. At all times relevant, Plaintiff Richella Briden was a member of a protected class pursuant to the MHRA because she had an impairment that substantially limited one or more of her major life activities, had a record of such impairment, and/or was regarded by Triumph as having an impairment, to wit conversion disorder.

152. At all times relevant, Plaintiff Richella Briden's conversion disorder substantially limited one or more of her daily life activities, including her ability to care for herself, perform manual tasks, concentrate, think, communicate, and work.

153. At all times relevant, Plaintiff Richella Briden could perform the essential functions of her job with or without reasonable accommodation.

154. Plaintiff Jimmy Briden is closely associated with Plaintiff Richella Briden as her husband.

155. Through his close association with Plaintiff Richella Briden, Plaintiff Jimmy Briden is a member of a class of persons protected by the MHRA.

156. Plaintiff Jimmy Briden was known by Triumph to have a close association with a member of a protected class based on their disability, to wit Plaintiff Richella Briden.

157. In limiting Plaintiff Richella Briden's work hours beyond what was recommended by her doctor, Triumph subjected Plaintiff Jimmy Briden to intolerable working conditions.

158. In denying Plaintiff Richella Briden's request to change shifts, Triumph subjected Plaintiff Jimmy Briden to intolerable working conditions.

159. In terminating Plaintiff Richella Briden's employment, Triumph subjected Plaintiff Jimmy Briden to intolerable working conditions.

160. A reasonable person in Plaintiff Jimmy Briden's situation would have deemed resignation the only reasonable alternative to employment.

161. Plaintiff Jimmy Briden's decision to terminate his employment was a reasonably foreseeable consequence of Triumph's conduct.
162. Triumph acted with the intent of forcing Plaintiff Jimmy Briden to quit his job.
163. Plaintiff Jimmy Briden's close association with Plaintiff Richella Briden was a motivating factor for Triumph's actions.
164. At all times mentioned herein, before and after, the above-described perpetrators were agents, servants, and employees of Triumph, and were at all such times acting within the scope and course of their agency and employment, and/or their actions were expressly authorized or ratified by Triumph, thus making Triumph liable for said actions under the doctrine *respondeat superior*.
165. Triumph failed to make good faith efforts to establish and enforce policies to address and prevent illegal discrimination against its employees.
166. Triumph failed to properly train or otherwise inform its supervisors and employees concerning their duties and obligations under the civil rights laws, including the MHRA.
167. As shown by the foregoing, as a result of his close association with a person with a disability, Plaintiff Jimmy Briden suffered intentional unlawful discrimination at the hands of Triumph.
168. As a direct and proximate result of Triumph's actions and/or omissions, Plaintiff Jimmy Briden has been deprived of income as well as other monetary and non-monetary benefits.
169. As a further direct and proximate result of Triumph's actions and/or omissions, Plaintiff Jimmy Briden suffered humiliation, mental anguish, pain, and a loss of self-esteem

in the form of garden variety emotional distress damages and related compensatory damages.

170. By failing to take prompt and effective remedial action, Triumph in effect condoned, ratified, and/or authorized discrimination against Plaintiff Jimmy Briden.

171. Triumph's conduct was willful, wanton, malicious, and showed complete indifference to or conscious disregard for the rights of others, including the rights of Plaintiff Jimmy Briden, thus justifying an award of punitive damages in an amount sufficient to punish Triumph or to deter Triumph and other employers from like conduct in the future.

172. Pursuant to the provisions of the MHRA, Plaintiff Jimmy Briden is entitled to recover reasonable attorneys' fees from Triumph.

WHEREFORE, Plaintiff Jimmy Briden requests that the Court enter judgment in his favor and against Triumph for economic damages, including but not limited to back-pay and lost benefits; for compensatory damages, including but not limited to garden variety emotional distress; for equitable relief, including but not limited to front-pay and injunctive relief; for punitive damages; for reasonable attorneys' fees and costs incurred herein; for pre- and post-judgment interest as allowed by law; and for such other and further legal and equitable relief as the Court deems just and proper.

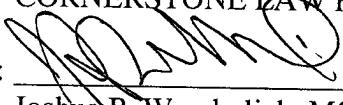
Demand for Jury Trial

Plaintiffs request a trial by jury in the Circuit Court of Buchanan County, Missouri, on all counts and allegations of wrongful conduct alleged in this Petition.

(Signature on following page)

Respectfully Submitted,

CORNERSTONE LAW FIRM

By: 

Joshua P. Wunderlich MO BAR 64254

j.wunderlich@cornerstonefirm.com

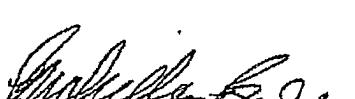
8350 North St. Clair Avenue, Suite 225

Kansas City, Missouri 64151

Telephone (816) 581-4040

Facsimile (816) 741-8889

ATTORNEY FOR PLAINTIFF

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: <input checked="" type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC Agency(ies) Charge No(s): 563-2019-01996 and EEOC	
Missouri Commission on Human Rights <small>State or Local Agency, If any</small>			
Name (Indicate Mr., Ms., Mrs.) Ms. Richella Briden <small>Street Address</small>		<small>Home Phone (incl. Area Code)</small> <small>Date of Birth</small>	
8350 N. St. Clair Ave., Ste. 225, KC, MO 64151 <small>City, State and ZIP Code</small>			
<small>Named Is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)</small>			
Name Triumph Foods, LLC <small>Street Address</small>		<small>No. Employees, Members</small> 500+	<small>Phone No. (Include Area Code)</small> 816-391-2700
5302 Stockyards Expressway, St. Joseph, MO 64504 <small>City, State and ZIP Code</small>			
<small>DISCRIMINATION BASED ON (Check appropriate box(es).)</small>			
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input checked="" type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		<small>DATE(S) DISCRIMINATION TOOK PLACE</small> <small>Earliest</small> Oct. 1, 2018 <small>Present</small> <input type="checkbox"/> CONTINUING ACTION	
<small>THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).</small>			
<p>please see attached.</p>			
<small>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</small>		<small>NOTARY - Where necessary for State and Local Agency Requirements</small>	
<small>I declare under penalty of perjury that the above is true and correct.</small>		<small>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</small> <small>SIGNATURE OF COMPLAINANT</small>	
5-17-19 <small>Date</small>	 <small>Charging Party Signature</small>		
<small>SUBSCRIBED AND SWEORN TO BEFORE ME THIS DATE</small> <small>(month, day, year)</small>			

RECEIVED EEOC
KANSAS CITY AREA OFFICE

A rectangular label with a black border. Inside, the word "PLAINTIFF'S" is written in large, bold, uppercase letters at the top. Below it, the word "EXHIBIT" is also written in large, bold, uppercase letters. To the left of the word "PLAINTIFF'S", the word "tables" is written vertically in smaller, bold, uppercase letters. A horizontal line is drawn across the bottom of the label.

Attachment to EEOC Form 5 (5/01) for Richella Briden

I, Richella Briden, bring this Charge of discrimination against the Respondent Triumph Foods, LLC ("Triumph"). Respondent Triumph is an employer within the meaning of the Americans with Disabilities Act, as Amended, 42 U.S.C. §§ 12101 *et seq.* ("ADAAA"), and the Missouri Human Rights Act, MO. REV. STAT. §§ 213.010 *et seq.* ("MHRA").

I am a member of a protected class pursuant to the ADAAA and the MHRA and the anti-retaliation provisions thereof because I have physical and/or mental impairments that substantially limit one or more of my major life activities, a record of such impairments, and/or Respondent regarded me as having such impairments. Specifically, I suffer from conversion disorder, a functional neurologic disorder that is characterized by severe anxiety and extreme physical manifestations thereof, and I requested reasonable accommodation related to that disability. At all relevant times, I was able to perform the essential functions of my job with or without reasonable accommodation. The specific facts that give rise to my charge of disability discrimination are as follows:

I began working for Triumph Foods as a Food Safety and Quality Assurance technician ("FSQA") in approximately October 2017. On August 28, 2018, I experienced stroke-like symptoms while at work. I was held in the medical department at Triumph until my husband could drive me to the hospital. My stroke-like symptoms were caused by my conversion disorder. Following this episode, my doctor took me off work for 10 days, and then certified me for intermittent leave under the FMLA. The doctor also put me on work restrictions of a maximum of five hours per day for five days per week. Despite my doctor saying I could work for 5 hours per day and despite my express desire to work as many hours as my doctor would recommend, Triumph unilaterally decided that it was unsafe for me to work more than two hours per day. I

worked under these restrictions for approximately two weeks, until early September 2018, when I experienced a flare-up of my conversion disorder. At that time, my doctor redid my restrictions simply to correspond to the limited schedule Triumph was forcing me to work, and also said that I would be released to full duty on December 18, 2018, and I did return to full duty at that time. My certification for intermittent leave also remained in place.

Around October 23, 2018, I received a text message from Nicole Dryer, a supervisor at Triumph Foods; it is clear from the context that she had intended to send to another department head, but mistakenly sent it to me. The text message contained statements to the effect that Triumph needed to find a loophole in FMLA because she was tired of me taking leave. I reported this text message and its contents to Human Resources, but no action was taken. I requested to be placed on another shift ("B shift") because my interactions with Dryer exacerbated my conversion disorder; however, this accommodation was denied and, again, no action was taken. Mark Bisenix, a director of Quality Assurance at Triumph Foods, informed me that the shift was full, but it is my understanding that there were two positions open on B shift at the time I requested to be transferred.

On or around January 9, 2019, I had another flare-up of my disability. At that time, I was held off work by my doctor until February 12, 2019. I tried to use one of my intermittent leave days on my first day back due to feelings of anxiety, but my supervisor informed me that I was out of FMLA leave and if I did not come to work (a contention I believe to be inaccurate), I would be fired. This further exacerbated my feelings of anxiety, rendering me unable to come to work. Relying upon the statements made by my supervisor, I understood my employment to be terminated at that time. On March 6, 2019, I received an email informing me that I was fired for violation of the attendance policy.

In sum, I am disabled pursuant to the ADAAA and MHRA. By terminating my employment, Respondent Triumph discriminated and retaliated against me because of my disability, my taking limited leave related to my disability, and my requests for reasonable accommodation. Respondent also interfered with my ability to use FMLA leave and retaliated against me for attempting to exercise/exercising my FMLA rights by forcing me to accrue used FMLA leave at a rate faster than I would have if I had been allowed to work the amount of time recommended by my doctor after my stroke-like symptoms on the job. While I recognize the EEOC does not exercise jurisdiction over FMLA claims, I raise the issues of FMLA interference and retaliation because the prohibitions against FMLA interference and retaliation and prohibitions against disability discrimination are so closely related. As a result of Respondent's actions, I am seeking back-pay, front-pay, emotional distress damages, punitive damages, attorney's fees and any other remedy the Commission deems appropriate.

Y-17-2019 13:51 , From: 8167418889

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION		Charge Presented To: Agency (es) Charge No(s):
<small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		<input checked="" type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 563-2019-01999
<u>Missouri Commission on Human Rights</u> <small>State or Local Agency, if any</small>		
Name (Indicate Mr., Ms., Mrs.) <u>Mr. Jimmy Briden</u> <small>Street Address</small>	<small>Home Phone (Include Area Code)</small>	<small>Date of Birth</small>
<u>8350 N. St. Clair Ave., Ste. 225, KC, MO 64151</u> <small>City, State and ZIP Code</small>		
<small>Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)</small>		
Name <u>Triumph foods, LLC</u> <small>Street Address</small>	<small>No. Employees, Members</small> <u>500+</u>	<small>Phone No. (Include Area Code)</small> <u>816-396-2700</u>
<u>5302 Stockyards Expressway, St. Joseph, MO 64506</u> <small>City, State and ZIP Code</small>		
<small>DISCRIMINATION BASED ON (Check appropriate box(es).)</small>		
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input checked="" type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify) <small>THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s).)</small>		
<small>DATE(S) DISCRIMINATION TOOK PLACE</small> <small>Earliest Latest</small> <u>Oct. 1, 2018</u> <u>present</u>		
<small>CONTINUING ACTION</small> <input checked="" type="checkbox"/>		
<small>RECEIVED EEOC KANSAS CITY AREA OFFICE</small> <u>2019 MAY 17 PM 3:31</u>		
<small>I want this charge filed with both the EEOC and the State or Local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</small>		<small>NOTARY - When necessary for State and Local Agency Requirements</small>
<small>I declare under penalty of perjury that the above is true and correct.</small>		<small>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</small> <small>SIGNATURE OF COMPLAINANT</small>
<u>5-17-19</u> <u>Jimmy Briden</u> <small>Date</small> <small>Charging Party Signature</small>		<small>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)</small>



Attachment to EEOC Form 5 (5/01) for Jimmy Briden

I, Jimmy Briden, bring this Charge of discrimination against the Respondent Triumph Foods, LLC ("Triumph"). Respondent Triumph is an employer within the meaning of the Americans with Disabilities Act, as Amended, 42 U.S.C. §§ 12101 *et seq.* ("ADAAA"), and the Missouri Human Rights Act, MO. REV. STAT. §§ 213.010 *et seq.* ("MHRA").

I am a member of a protected class pursuant to the ADAAA and the MHRA and the anti-retaliation provisions thereof because I have a close relationship to a person with a physical and/or mental impairments that substantially limit one or more of her major life activities, a record of such impairments, and/or Respondent regarded her as having such impairments. Specifically, my wife, Richella, also a former employee of Triumph, suffers from conversion disorder, a functional neurologic disorder that is characterized by severe anxiety and extreme physical manifestations thereof. My relationship to Richella and her disability were both well known to Triumph. At all relevant times, I was able to perform the essential functions of my job with or without reasonable accommodation. The specific facts that give rise to my charge of associational disability discrimination are as follows:

I began working for Triumph Foods as a mechanic in approximately June 2014, and by approximately mid-2016, had worked my way up to maintenance supervisor, a position I held until the end of my employment with Triumph. On August 28, 2018, Richella experienced stroke-like symptoms while at work. She was held in the medical department at Triumph until I could drive her to the hospital. Richella's stroke-like symptoms were caused by her conversion disorder. Over the next approximately five-and-a-half (5.5) months following this episode, Triumph made Richella's job extremely difficult. Briefly, when her doctor placed her on reduced hours, Triumph unnecessarily forced her to work fewer hours than those approved by her doctor. This resulted in

Richella burning her FMLA time faster than she needed to. Thus, on or around February 12, 2019, when Richella attempted to utilize a day of intermittent FMLA time for which she'd been approved to deal with symptoms related to her known disability, a supervisor told her that her employment would be terminated if she did because she had used all of the FMLA to which she was entitled. This exacerbated Richella's disability, rendering her further incapable of coming to work, as Richella presumed that meant her employment was terminated. Further, in October 2018, Richella received a text message her supervisor had accidentally sent to her instead of to another supervisor, indicating that the supervisor wanted to find a loophole in FMLA so that Richella's employment could be terminated. After Richella was inaccurately informed in February that her FMLA leave had been exhausted, I felt that no reasonable person in my position could continue employment with an employer that was treating their spouse in this manner, and I resigned my employment.

In sum, my wife is disabled pursuant to the ADAAA and MHRA, and Triumph knew this to be the case. By constructively terminating my employment, Respondent Triumph discriminated and retaliated against me because of my close relationship with a person with a disability. As a result of Respondent's actions, I am seeking back-pay, front-pay, emotional distress damages, punitive damages, attorney's fees and any other remedy the Commission deems appropriate.



MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
MISSOURI COMMISSION ON HUMAN RIGHTS

MICHAEL L. PARSON
 GOVERNOR

ANN S. HUI
 DEPARTMENT DIRECTOR

MARTHA STAGGS
 COMMISSION CHAIR

ALISA WARREN, PH.D.
 EXECUTIVE DIRECTOR

November 14, 2019

Richella Briden
 c/o Ryan M. Paulus
 8350 N. St. Clair Ave., Ste. 225
 Kansas City, MO 64151
 via email

FE-5/19-30493
 Administrative Use/Records

RE: Briden vs. Triumph Foods, LLC
 FE-5/19-30493 563-2019-01996

The Missouri Commission on Human Rights (MCHR) is terminating its proceedings and issuing this notice of your right to sue under the Missouri Human Rights Act because you have requested a notice of your right to sue.

This letter indicates your right to bring a civil action within 90 days of this notice against the respondent(s) named in the complaint. Such an action may be brought in any circuit court in any county in which the unlawful discriminatory practice is alleged to have occurred but it must be brought no later than two years after the alleged cause occurred or its reasonable discovery. Upon issuance of this notice, the MCHR is terminating all proceedings relating to the complaint. No person may file or reinstate a complaint with the MCHR after the issuance of a notice of right to sue relating to the same practice or act. You are hereby notified of your right to sue the Respondent(s) named in your complaint in state circuit court. **THIS MUST BE DONE WITHIN 90 DAYS OF THE DATE OF THIS NOTICE OR YOUR RIGHT TO SUE IS LOST.**

You are also notified that the Executive Director is hereby administratively closing this case and terminating all MCHR proceedings relating to it. This notice of right to sue has no effect on the suit-filing period for any federal claims. This notice of right to sue is being issued as required by Section 213.111.1, RSMo, because it has been over 180 days after the filing of this complaint and MCHR has not completed its administrative processing.

(continued on next page)

PLAINTIFF'S
 EXHIBIT

3



3315 WEST TRUMAN BLVD., SUITE 212
 P.O. Box 1129
 JEFFERSON CITY, MO 65102-1129
 PHONE: 573-751-3325
 FAX: 573-751-2905

111 N. 7TH STREET, SUITE 903
 ST. LOUIS, MO 63101-2100
 PHONE: 314-340-7590
 FAX: 314-340-7238

1410 GENESSEE, SUITE 260
 KANSAS CITY, MO 64102-1047
 FAX: 816-889-3582

106 ARTHUR STREET, SUITE D
 SIKESTON, MO 63801-5454
 FAX: 573-472-5321

RE: Briden vs. Triumph Foods, LLC
FE-5/19-30493 563-2019-01996

In addition to the process described above, if any party is aggrieved by this decision of the MCHR, that party may appeal the decision by filing a petition under § 536.150 of the Revised Statutes of Missouri in state circuit court.

Respectfully,



Alisa Warren, Ph.D.
Executive Director

Triumph Foods, LLC
5302 Stockyards Expressway
St. Joseph, MO 64506

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Missouri Commission on Human Rights is an equal opportunity employer/program. Auxiliary aides and services are available upon request to individuals with disabilities.
TDD/TTY: 1-800-735-2966 (TDD) Relay Missouri: 711
www.labor.mo.gov/nohumanrights E-Mail: mchr@labor.mo.gov



MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
MISSOURI COMMISSION ON HUMAN RIGHTS

MICHAEL L. PARSON
GOVERNOR

ANN S. HUI
DEPARTMENT DIRECTOR

MARTHA STAGGS
COMMISSION CHAIR

ALISA WARREN, PH.D.
EXECUTIVE DIRECTOR

November 14, 2019

Jimmy Briden
c/o Ryan M. Paulus
8350 N. St. Clair Ave., Ste. 225
Kansas City, MO 64151
via email

FE-5/19-30494
Administrative User Records

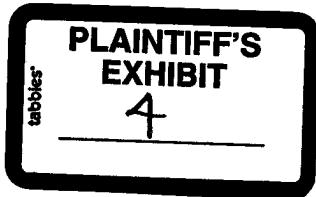
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(continued on next page)



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Respectfully,



Alisa Warren, Ph.D.
Executive Director

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FAX: 573-472-5321

IN THE CIRCUIT COURT OF BUCHANAN COUNTY, MISSOURI

JIMMY BRIDEN et al.,)
Plaintiffs,)
v.)
TRIUMPH FOODS, LLC,)
Defendant.)
Case No.: _____
Division: _____

MOTION FOR APPROVAL AND APPOINTMENT OF PRIVATE PROCESS SERVER

COME NOW Plaintiffs, by and through their attorney of record, and for their Motion for Approval/Appointment of Private Process Server, and requests that D&B Legal Services, Inc.: Legal Names (s):

Jamie Andrews PPS20-0009	John Frago PPS20-0039	Daniel Maglothin PPS20-0069
Caleb Battreal PPS20-0010	Kenneth Frechette II PPS20-0040	Chad Maier PPS20-0070
Bernard Beletsky PPS20-0011	Andrew Garza PPS20-0041	Kenneth Marshall PPS20-0071
Carrington Bell PPS20-0012	Bradley Gordon PPS20-0042	Deborah Martin PPS20-0072
Thomas Bogue PPS20-0013	Thomas Gorgen PPS20-0043	Michael Martin PPS20-0073
Brent Bohnhoff PPS20-0014	Tom Gorgone PPS20-0044	Todd Martinson PPS20-0074
Arthur Boyer PPS20-0015	Richard Gray PPS20-0045	Timothy McGarity PPS20-0075
Scott Brady PPS20-0016	Charles Gunning PPS20-0046	Casey McKee PPS20-0076
Gary Brakemeyer PPS20-0017	James Hannah PPS20-0047	Michael Meador PPS20-0077
Jeff Brown PPS20-0018	Rufus harmon PPS20-0048	Kenny Medlin PPS20-0078
Hester Bryant PPS20-0019	James Harvey PPS20-0049	Maria Meier PPS20-0079
Nicholas Bull PPS20-0020	Natalie Hawks PPS20-0050	Thomas Melte PPS20-0080
Randy Burrow PPS20-0021	Douglas Hays PPS20-0051	Matthew Millhollin PPS20-0081
Gory Burt PPS20-0022	Stephen Heitz PPS20-0052	James Mitchell PPS20-0082
Kyle Carter PPS20-0023	Wendy Hilgenberg PPS20-0053	Alexious Moehring PPS20-0083
Michael Conklin PPS20-0024	James Hise PPS20-0054	Jonathan Moehring PPS20-0084
Lisa Corbett PPS20-0025	Gerald Hissam PPS20-0055	Jason Moody PPS20-0085
Dennis Dahlberg PPS20-0026	William Hockersmith PPS20-0056	Ronald Moore PPS20-0086
Mary Dahlberg PPS20-0027	Alex Holland PPS20-0057	Andrew Myers PPS20-0087
Bert Daniels JR PPS20-0028	Mary Hurley PPS20-0058	Frederick Myers PPS20-0088
Richard Davis PPS20-0029	Betty Johnson PPS20-0059	James Myers PPS20-0089
David Dice PPS20-0030	Edward Johnson PPS20-0060	Stephanie Myers PPS20-0090
Maureen Dice PPS20-0031	James Johnson PPS20-0061	Christopher New PPS20-0091
Norman Diggs PPS20-0032	Etoya Jones PPS20-0062	Jeremy Nicholas PPS20-0092
Edwina Ditmore PPS20-0033	Patrick Jones PPS20-0063	Michael Noble PPS20-0093
Marrissa Doan PPS20-0034	Derec Kelley PPS20-0064	Greg Noll PPS20-0094
Shawn Edwards PPS20-0035	Brent Kirkhart PPS20-0065	Robert O'Sullivan PPS20-0095
Tonya Elkins PPS20-0036	Janice Kirkhart PPS20-0066	Mike Perry PPS20-0096
William Ferrell PPS20-0037	Tyler Kirkhart PPS20-0067	Bob Peters PPS20-0097
James Frago PPS20-0038	Damon Lester PPS20-0068	Devin Pettenger PPS20-0098

Carrie Pfeifer PPS20-0099
 Craig Poese PPS20-0159
 Bill Powell PPS20-0100
 Dee Powell PPS20-0101
 Samantha Powell PPS20-0102
 Kim Presler PPS20-0103
 Marcus Presler PPS20-0104
 Mark Rauss PPS20-0105
 Terri Richards PPS20-0106
 Jorge Rivera PPS20-0107
 Sammie Robinson PPS20-0108
 Richard Roth PPS20-0109
 Edna Russell PPS20-0110
 Brenda Schiwtz PPS20-0111

Michael Siegel PPS20-214
 Joe Sherrod PPS20-0112
 Andrew Sitzes PPS20-0113
 Laura Skinner PPS20-0114
 Thomas Skinner PPS20-0115
 Richard Skyles PPS20-0215
 Chris Stanton PPS20-0216
 William Steck PPS20-0116
 Randy Stone PPS20-0117
 Sonja Stone PPS20-0118
 David Taliaferro PPS20-0119
 Michael Taylor PPS20-0120
 Robert Torrey PPS20-0121
 Lucas Traugott PPS20-0122

Steve Trueblood PPS20-0123
 Jonathan Trumpower PPS20-0124
 Ryan Weekley PPS20-0125
 Misty Wege PPS20-0126
 Andrew Wheeler PPS20-0127
 Andrew Wickliffe PPS20-0128
 Norman Wiley PPS20-0129
 Gregory Willing PPS20-0130
 Conni Wilson PPS20-0131
 Jerry Wilson PPS20-0132
 Debra Woodhouse PPS20-0133
 Stan Yoder PPS20-0134
 Greg Zotta PPS20-0135

who are qualified persons to serve process, are not parties to the case and are not less than eighteen (18) years of age, as private process servers in the above cause to serve process in this case.

Respectfully Submitted,

CORNERSTONE LAW FIRM

By: /s/ Joshua P. Wunderlich

Joshua P. Wunderlich MO BAR 64254
 j.wunderlich@cornerstonefirm.com
 8350 N. St. Clair Ave., Ste. 225
 Kansas City, Missouri 64151
 Telephone (816) 581-4040
 Facsimile (816) 741-8889
 ATTORNEY FOR PLAINTIFFS

ORDER

It is hereby ordered that the Plaintiffs' Motion for Approval and Appointment of private process server is granted, and the above-named individuals are hereby approved and appointed to serve process in the above-captioned matter.

Date: _____

 Judge or Clerk

CASE # 20BU-CV00342

Plaintiff (Petitioner)

Bruden et al

vs

Defendant (Respondent)

Triumph Foods LLC

Div. 1

IN THE CIRCUIT COURT OF BUCHANAN COUNTY, MISSOURI

JIMMY BRIDEN et al.,)
Plaintiffs,)
v.)
TRIUMPH FOODS, LLC,)
Defendant.)
Case No.: 20BU-CV00342
Division: 1

MOTION FOR APPROVAL AND APPOINTMENT OF PRIVATE PROCESS SERVER

COME NOW Plaintiffs, by and through their attorney of record, and for their Motion for Approval/Appointment of Private Process Server, and requests that D&B Legal Services, Inc.:

Legal Names (s):

Jamie Andrews PPS20-0009	John Frago PPS20-0039	Daniel Maglothin PPS20-0069
Caleb Battreal PPS20-0010	Kenneth Frechette II PPS20-0040	Chad Maier PPS20-0070
Bernard Beletsky PPS20-0011	Andrew Garza PPS20-0041	Kenneth Marshall PPS20-0071
Carrington Bell PPS20-0012	Bradley Gordon PPS20-0042	Deborah Martin PPS20-0072
Thomas Bogue PPS20-0013	Thomas Gorgen PPS20-0043	Michael Martin PPS20-0073
Brent Bohnhoff PPS20-0014	Tom Gorgone PPS20-0044	Todd Martinson PPS20-0074
Arthur Boyer PPS20-0015	Richard Gray PPS20-0045	Timothy McGarity PPS20-0075
Scott Brady PPS20-0016	Charles Gunning PPS20-0046	Casey McKee PPS20-0076
Gary Brakemeyer PPS20-0017	James Hannah PPS20-0047	Michael Meador PPS20-0077
Jeff Brown PPS20-0018	Rufus harmon PPS20-0048	Kenny Medlin PPS20-0078
Hester Bryant PPS20-0019	James Harvey PPS20-0049	Maria Meier PPS20-0079
Nicholas Bull PPS20-0020	Natalie Hawks PPS20-0050	Thomas Melte PPS20-0080
Randy Burrow PPS20-0021	Douglas Hays PPS20-0051	Matthew Millhollin PPS20-0081
Gory Burt PPS20-0022	Stephen Heitz PPS20-0052	James Mitchell PPS20-0082
Kyle Carter PPS20-0023	Wendy Hilgenberg PPS20-0053	Alexious Moehring PPS20-0083
Michael Conklin PPS20-0024	James Hise PPS20-0054	Jonathan Moehring PPS20-0084
Lisa Corbett PPS20-0025	Gerald Hissam PPS20-0055	Jason Moody PPS20-0085
Dennis Dahlberg PPS20-0026	William Hockersmith PPS20-0056	Ronald Moore PPS20-0086
Mary Dahlberg PPS20-0027	Alex Holland PPS20-0057	Andrew Myers PPS20-0087
Bert Daniels JR PPS20-0028	Mary Hurley PPS20-0058	Frederick Myers PPS20-0088
Richard Davis PPS20-0029	Betty Johnson PPS20-0059	James Myers PPS20-0089
David Dice PPS20-0030	Edward Johnson PPS20-0060	Stephanie Myers PPS20-0090
Maureen Dice PPS20-0031	James Johnson PPS20-0061	Christopher New PPS20-0091
Norman Diggs PPS20-0032	Etoya Jones PPS20-0062	Jeremy Nicholas PPS20-0092
Edwina Ditmore PPS20-0033	Patrick Jones PPS20-0063	Michael Noble PPS20-0093
Marrissa Doan PPS20-0034	Derec Kelley PPS20-0064	Greg Noll PPS20-0094
Shawn Edwards PPS20-0035	Brent Kirkhart PPS20-0065	Robert O'Sullivan PPS20-0095
Tonya Elkins PPS20-0036	Janice Kirkhart PPS20-0066	Mike Perry PPS20-0096
William Ferrell PPS20-0037	Tyler Kirkhart PPS20-0067	Bob Peters PPS20-0097
James Frago PPS20-0038	Damon Lester PPS20-0068	Devin Pettenger PPS20-0098

Carrie Pfeifer PPS20-0099
 Craig Poese PPS20-0159
 Bill Powell PPS20-0100
 Dee Powell PPS20-0101
 Samantha Powell PPS20-0102
 Kim Presler PPS20-0103
 Marcus Presler PPS20-0104
 Mark Rauss PPS20-0105
 Terri Richards PPS20-0106
 Jorge Rivera PPS20-0107
 Sammie Robinson PPS20-0108
 Richard Roth PPS20-0109
 Edna Russell PPS20-0110
 Brenda Schiwtz PPS20-0111

Michael Siegel PPS20-214
 Joe Sherrod PPS20-0112
 Andrew Sitzes PPS20-0113
 Laura Skinner PPS20-0114
 Thomas Skinner PPS20-0115
 Richard Skyles PPS20-0215
 Chris Stanton PPS20-0216
 William Steck PPS20-0116
 Randy Stone PPS20-0117
 Sonja Stone PPS20-0118
 David Taliaferro PPS20-0119
 Michael Taylor PPS20-0120
 Robert Torrey PPS20-0121
 Lucas Traugott PPS20-0122

Steve Trueblood PPS20-0123
 Jonathan Trumpower PPS20-0124
 Ryan Weekley PPS20-0125
 Misty Wege PPS20-0126
 Andrew Wheeler PPS20-0127
 Andrew Wickliffe PPS20-0128
 Norman Wiley PPS20-0129
 Gregory Willing PPS20-0130
 Conni Wilson PPS20-0131
 Jerry Wilson PPS20-0132
 Debra Woodhouse PPS20-0133
 Stan Yoder PPS20-0134
 Greg Zotta PPS20-0135

who are qualified persons to serve process, are not parties to the case and are not less than eighteen (18) years of age, as private process servers in the above cause to serve process in this case.

Respectfully Submitted,

CORNERSTONE LAW FIRM

By: /s/ Joshua P. Wunderlich

Joshua P. Wunderlich MO BAR 64254
 j.wunderlich@cornerstonefirm.com
 8350 N. St. Clair Ave., Ste. 225
 Kansas City, Missouri 64151
 Telephone (816) 581-4040
 Facsimile (816) 741-8889
 ATTORNEY FOR PLAINTIFFS

ORDER

It is hereby ordered that the Plaintiffs' Motion for Approval and Appointment of private process server is granted, and the above-named individuals are hereby approved and appointed to serve process in the above-captioned matter.

Date: Wednesday, January 29, 2020

/s/K. DOBOSZ, Deputy Clerk
 K. Dobosz or Clerk



IN THE 5TH JUDICIAL CIRCUIT, BUCHANAN COUNTY, MISSOURI

Judge or Division: KATE H SCHAEFER	Case Number: 20BU-CV00342
Plaintiff/Petitioner: JIMMY BRIDEN ET AL	Plaintiff's/Petitioner's Attorney/Address JOSHUA PAUL WUNDERLICH 8640 N. GREEN HILLS ROAD SUITE 42 KANSAS CITY, MO 64154
vs. Defendant/Respondent: TRIUMPH FOODS, LLC	Court Address: BUCHANAN CO COURTHOUSE 411 JULES ST SAINT JOSEPH, MO 64501
Nature of Suit: CC Employment Discrmtnt 213.111	STATUS REVIEW HEARING DATE: 4-27-20 @ 9:00 AM, DIV 1
(Date File Stamp)	

Summons in Civil Case

The State of Missouri to: TRIUMPH FOODS, LLC

Alias:

REG, AGENT: KEVIN L WEDEKING
5302 STOCKYARDS EXPRESSWAY
ST. JOSEPH, MO 64504



BUCHANAN COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

Wednesday, January 29, 2020

Date

/s/K. DOBOSZ, Deputy Clerk

Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

delivering a copy of the summons and a copy of the petition to the defendant/respondent.
 leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.

(for service on a corporation) delivering a copy of the summons and a copy of the complaint to: _____ (name) _____ (title).

other: _____.

Served at _____ (address)

in _____ (County/City of St. JOSEPH), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on _____ (date).

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary \$ _____

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



IN THE 5TH JUDICIAL CIRCUIT, BUCHANAN COUNTY, MISSOURI

Judge or Division: KATE H SCHAEFER	Case Number: 20BU-CV00342
Plaintiff/Petitioner: JIMMY BRIDEN ET AL	Plaintiff's/Petitioner's Attorney/Address JOSHUA PAUL WUNDERLICH 8640 N. GREEN HILLS ROAD SUITE 42 KANSAS CITY, MO 64154
vs. Defendant/Respondent: TRIUMPH FOODS, LLC	Court Address: BUCHANAN CO COURTHOUSE 411 JULES ST SAINT JOSEPH, MO 64501
Nature of Suit: CC Employment Discrimination 213.111	STATUS REVIEW HEARING DATE: 4-27-20 @ 9:00 AM, DIV 1

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: TRIUMPH FOODS, LLC

Alias:

REG, AGENT: KEVIN L WEDEKING
5302 STOCKYARDS EXPRESSWAY
ST. JOSEPH, MO 64504

COURT SEAL OF



BUCHANAN COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

Wednesday, January 29, 2020

Date

/s/K. DOBOSZ, Deputy Clerk
Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

delivering a copy of the summons and a copy of the petition to the defendant/respondent.
 leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.

(for service on a corporation) delivering a copy of the summons and a copy of the complaint to: _____ (name) _____ (title).

other: _____

Served at _____ (address)

In _____ (County/City of St. JOSEPH), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on _____ (date).

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary \$ _____

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$ _____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on each defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

AFFIDAVIT OF SERVICE

State of Missouri

County of Buchanan

Circuit Court

Case Number: 20BU-CV00342

Plaintiff:

JIMMY BRADEN ET AL

vs.

Defendant:

TRIUMPH FOODS, LLC

For: CORNERSTONE LAW FIRM

Received by D & B Legal Services, Inc. on the 29th day of January, 2020 at 2:47 pm to be served on TRIUMPH FOODS LLC
 REG AGENT: KEVIN L WEDEKING, 5302 STOCKYARDS EXPRESSWAY, ST JOSEPH, MO 64504. I, *Anna Weller*,
 being duly sworn, depose and say that on the 6 day of Jan, 2020 at 10:00 am., executed
 service by delivering a true copy of the **Summons in Civil Case, Petition For Damages, Plaintiff's Exhibits 1-4** in accordance
 with state statutes in the manner marked below:

CORPORATE SERVICE: By serving Kevin Wedeking as
By. Atg.

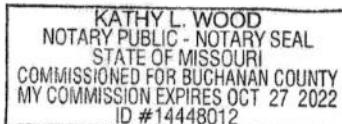
CORPORATE SERVICE AT ALTERNATE ADDRESS: By serving _____ as
 _____ at the alternate address of

PUBLIC AGENCY: By serving _____ as _____ of the within-named agency.

NON SERVICE: For the reason detailed in the Comments below.

COMMENTS: _____

I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction in which this service was made.



Subscribed and Sworn to before me on the 5 day of
January 2020 by the affiant who is personally
 known to me.

Kathy Wood
 NOTARY PUBLIC

Kathy Wood
 PROCESS SERVER # _____
 Appointed in accordance with State Statutes

D & B Legal Services, Inc.
 P.O. Box 7471
 Overland Park, KS 66207
 (913) 362-8110

Our Job Serial Number: 2020001053